

Appln No. 10/590,462
Amdt date July 29, 2010
Reply to Office action of May 7, 2010

REMARKS/ARGUMENTS

Claims 36, 41, 43, 59, 61, 79-84, 86, 87-158 are pending in the above-referenced application.

Claims 36, 41, 43, 59, and 61 have been amended to incorporate all the limitations of the rejected base claims from which they depend and any intervening claims. Claims 1, 24-35, 37-40, 42, 44, 45-53, 54-58, 60 and 62-78 have been cancelled. Claims 88-126 have been added. Support for the amendment can be found, among other things, in the originally filed claims 36-61. No new matter has been added.

This is a response to the non-final Office Action dated May 7, 2010 wherein the Examiner rejected: (1) claims 37, 55, 64, 70-78 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; (2) claims 1, 24-34, 42, 52 and 60 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,285,661 (Sommermeyer); (3) claims 62-69 under 35 U.S.C. 103(a) as being unpatentable over Sommermeyer as applied to claims 1, 24-34, 42, 43, 52, 60 and 61 above, and further in view of U.S. Patent No. 5,218,108 (Sommermeyer); and (4) claims 35, 50 and 53 under 35 U.S.C. 103(a) as being unpatentable over Sommermeyer as applied to claims 1, 24-34, 42, 50, 52 and 60 above, and further in view of U.S. Patent No. 6,083,909 (Sommermeyer).

The Examiner further allowed claims 79-84, 86 and 87 and objected to claims 36, 38-41, 43-49, 51, 54, 56-59 and 61 for depending from a rejected base claim but would be allowable if rewritten in independent form incorporating all the limitations of the rejected base claim and intervening claims.

Applicant respectfully thanks the Examiner for the allowance of claims 79-84, 86 and 87 and for the conditional allowance of dependent claims 36, 38-41, 43-49, 51, 54, 56-59 and 61.

In view of the amended claims, Applicant believes that the application is allowable and a notice of allowance is solicited.

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Claim amendments

As set forth above, claims 1, 24-34, 42, 52 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over '661 Sommermeyer; claims 62-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over '661 Sommermeyer in view of '108 Sommermeyer; and claims 35, 50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over '661 Sommermeyer in view of '909 Sommermeyer.

Claims 36, 38-41, 43-49, 51, 54, 56-59 and 61 are rejected for depending from a rejected base claim but would be allowable if rewritten in independent form incorporating all the limitations of the rejected base claim and any intervening claims.

Although Applicant does not acquiesce to the § 103(a) rejections of base claims 34, 35 and 52, to expedite the prosecution of the instant application, Applicant has amended allowable dependent claims 36, 41 and 43 as indicated above to incorporate all the limitations of rejected base claim 34 and any intervening claims. Similarly, allowable dependent claims 59 and 61 have been amended to incorporate all the limitations of rejected base claim 52 and any intervening claims. Claims 34, 35, 37-40, 42, 44-58 and 60 have been canceled. As amended, independent claims 36, 41, 43, 59 and 61 are allowable and independent claim 79 was previously allowed.

Dependent claims 88-126 have been added. Of the newly added claims, claims 88-95 depend from amended independent claim 36; claims 96-103 depend from amended independent claim 41; and claims 104-110 depend from amended independent claim 43. Claims 111-118 depend from amended independent claim 59; and claims 119-126 depend from amended independent claim 61. Therefore, new claims 88-126 are also allowable.

Although Applicant does not acquiesce to the above-identified § 112, second paragraph and § 103(a) rejections, in order to expedite prosecution of the instant application, in addition to claims 34, 35, 37-40, 42, 44-58 and 60, claims 1, 24-33, 37, 42, 53, 55, 60 and 62-78 have also been canceled. Applicant reserves the right to pursue the subject matter of the canceled claims in subsequent continuation applications.

The proposed Amendment should result in an allowance of claims 36, 41, 43, 59, 61, 79-84, 86, 87 and 88-126 which include independent claims 36, 41, 43, 59, 61 and 79.

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CONCLUSION

In view of the foregoing amendments, Applicant respectfully submits that the application is in condition for allowance and allowance is respectfully solicited.

Should the Examiner find it necessary to speak with Applicant's agent, he is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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